



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

# MICHIGAN LAW REVIEW

## CONTENTS

THE MICHIGAN JUDICATURE, ACT OF 1915 . . . . .	<i>Edson R. Sunderland</i>	273
CHARTER AMENDING POWERS OF CITIES UNDER MICHIGAN HOME- RULE LEGISLATION . . . . .	<i>Robert E. Jacobson</i>	281
COURTS IN THE PHILIPPINES—OLD, NEW . . . . .	<i>David Cecil Johnson</i>	300
NOTE AND COMMENT . . . . .		320
Recovery of the Purchase Price before Title has Passed . . . . .		320
The Need for Re-Defining "Freedom" . . . . .		325
What is an Injury by Accidental Means? . . . . .		329
When do Injuries "Arise out of" one's Employment? . . . . .		330
Admissibility of Corroborative Memor- andum . . . . .		332
Jurisdiction over Non-Resident Defendant . . . . .		333
RECENT IMPORTANT DECISIONS . . . . .		338
Adverse Possession: Color of Title De- pending on Good Faith . . . . .		338
Bankruptcy: Appointment of Receiver Because of Insolvency . . . . .		338
Bankruptcy: Equitable Lien on Voidable Preference . . . . .		339
Bankruptcy: When Trustee's Lien At- taches . . . . .		340
Bills and Notes: Acceptance on Another Paper . . . . .		341
Bills and Notes: Purchaser for Value . . . . .		342
Carriers: De Facto Officer . . . . .		342
Carriers: Expiration of Time Limit of Ticket . . . . .		343
Carriers: Tariff Schedules as Notice of Limited Liability . . . . .		344
Covenants: Effect of Recovery for Breach . . . . .		345
Injunction to Protect Right of Contract of Employment . . . . .		346
Insurance: Effect of Fraud on Waiver of Condition . . . . .		347
Insurance: Validity of Contract . . . . .		348
Insurance: Waiver of Provisions in Ap- plication by Agent . . . . .		349
Judgment: Lien Superior to Unrecorded Deed . . . . .		349
Judgment: Revival by Scire Facias . . . . .		350
Marriage: Effect of Prohibition in Foreign Divorce Decree . . . . .		352
Municipal Corporations: Negligence in Construction of Ditch . . . . .		352
Perpetuities: Conditions in Restraint of Alienation . . . . .		353
Railroads: Covenant to Maintain Depot . . . . .		354
Torts: Non-Liability of Charitable In- stitution . . . . .		355
Wills: Capacity of Blind Man . . . . .		356
Wills: Computation of Time of Publi- cation of Notice . . . . .		357
BOOK REVIEWS . . . . .		358
Corwin's Doctrine of Judicial Review, 358.		

UNIVERSITY OF MICHIGAN

LAW SCHOOL

ANN ARBOR, MICHIGAN

Copyright, 1916, by EVANS HOLBROOK, Trustee

Entered November 1, 1902, at Ann Arbor, Mich., as Second-Class Matter  
under Act of Congress March 3, 1879

\$2.50 per year in advance, eight numbers

35 cents per number

Foreign Subscriptions, \$3.00

Address all communications to *MICHIGAN LAW REVIEW*, Ann Arbor, Michigan

# NOTABLE WORKS BY GREAT MASTERS

## MARSHALL'S CONSTITUTIONAL DECISIONS ANNOTATED

By Hon. John F. Dillon of the New York Bar. Contains in full every decision on Constitutional Points of Chief Justice Marshall, with the addition of the 13th, 14th and 15th Amendments. Illustrated. **\$4.00.**

## VEEDER'S LEGAL MASTERPIECES

The Speeches of the Great Masters. Read them and you can almost hear Daniel Webster, Lord Mansfield, Alexander Hamilton, Justice Marshall, Dana, Alexander Cockburn, Lord Erskine, Curran, Lord Stowell, Lord Brougham, Horace Binney, Wendell Phillips, etc., etc. **2 vols., \$6.00.**

## VON HOLST CONSTITUTIONAL HISTORY UNITED STATES

No other work deals so broadly, so fully or so interestingly with the subject. It is keen and profound; fearless and impartial in its judgment of men and measures; vigorous and vivid alike in its delineation of events and in its portraiture of parties and leaders. "A work which every student must needs possess in its entirety. **8 vols., \$12.00.**

## TUCKER CONSTITUTION UNITED STATES

A critical discussion of the genesis, development and interpretation of the Constitution by one who made it a life study. The work itself shows unusual strength and merit. "A great, a magnificent work."—Hon. J. B. Henderson. **Two Volumes, Cloth, \$7.00.**

## MARSHALL'S LIFE-CHARACTER JUDICIAL SERVICE

Compiled and Edited by John F. Dillon. "Seldom, if ever, have we seen a work of the class to which this belongs, of greater value, of greater interest, or of greater beauty. To say that it should adorn the shelves of every cultivated member of the bar is to state a fact borne out by the most cursory examination."—The American Lawyer. **3 vols., \$9.00.**

## LORD ERSKINE'S SPEECHES

The Speeches of Lord Erskine while at the Bar. Edited by James L. High. "The greatest advocate, as well as the greatest orator of any age." **Four Handsome Volumes, \$8.00.**

## WATSON CONSTITUTION OF THE UNITED STATES

By David K. Watson, of the Columbus, O., Bar. No work on the Constitution approaching this in scope and treatment has ever been offered to the legal profession. **Two Volumes, Buckram, \$12.00.**

## WILSON'S WORKS ON JURISPRUDENCE

The Public Addresses and Lectures of James Wilson. Edited by J. D. Andrews. The most scientific exposition of jurisprudence applied to American law. Presents a clear view of the nature of law, government and private right. **Two Volumes, Cloth, \$5.50.**

## CURRAN'S SPEECHES

The Speeches of John Philpot Curran while at the Bar, with memoir, introduction and explanatory notes by A. L. Whittier. The manly courage, brilliant and patriotic career of Curran, and his high eloquence place his speeches among the best and most inspiring models. **\$2.50.**

## COHN'S GROWTH OF LAW

By Morris M. Cohn. An Essay on the growth of Law, calling the attention of Bench and Bar to the growth of law, and the effect which a proper comprehension of that growth has upon the administration of what is called justice. **Cloth, \$1.50.**

## PATTEE'S ESSENTIAL NATURE OF LAW

A Philosophical Treatise on Jurisprudence by W. S. Pattee, Dean of the Law Dept., University of Minnesota. A broader view of law, a wider range of knowledge, and the true nature of law in its broadest significance. **One Volume, \$2.50.**

## BORWELL'S LAW OF WAR

By Percy Bordwell, Professor of Law in the University of Missouri. A thorough, historical and analytical treatment of the laws of war between belligerents. **One Volume, Cloth, \$3.50.**

## WAPLES PARLIAMENTARY LAW

A handbook on Parliamentary Law by Rufus Waples, of the Michigan Bar. "A better book of its kind could not be found. Every man in public life, and every man who expects to be in public life, social, political or religious, should read it."—The Capital. **1 vol., \$1.00.**

## SMITH'S RIGHT AND LAW

A critical and historical Essay on the several theories of Jurisprudence, by George H. Smith. "A thoughtful and courageous little book."—The Nation. "Anyone who commences reading this little book will not stop until he has read it through."—American Law Review. **1 vol., \$2.50.**

## VON IHERING'S STRUGGLE FOR LAW.

By Dr. Rudolf von Ihering. Second edition, 1914, with introduction by Albert Kocourek. "The end of the law is peace. The life of law is a struggle of nations, of the state power, of classes, of individuals." A great little book. **One Volume, \$2.00.**

## CYCLOPEDIA LAW DICTIONARY

Combines in a single volume Words and Phrases, Brief Encyclopedia, Complete Glossary, Translations, Definitions, Maxims. 1000 pages. Thumb-indexed. **\$6.00.**

## MICHIGAN LAW REVIEW

UNIVERSITY OF MICHIGAN

ANN ARBOR, MICH.